

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NANCY GILL,

Plaintiff,

VS.

MICHAEL MAGAN, et al.,

Defendants.

Case No. 2:19-cv-00860-MJP

Joint Pretrial Order

Pursuant to Local Civil Rule 16(h), plaintiff presents the following pretrial statement, served on all other parties at least 30 days prior to the due date of the proposed pretrial order.

I. JURISDICTION

Jurisdiction is vested in this Court by virtue of 28 U.S.C. § 1331 (federal question jurisdiction) and 28 U.S.C. § 1367 (supplemental jurisdiction). Therefore, subject matter jurisdiction is proper under federal law.

II. CLAIMS AND DEFENSES

Plaintiff Nancy Gill asserts the following claims at trial:

1 1. Judicial deception resulting in an unreasonable search in violation of the Fourth
2 Amendment, brought under 42 U.S.C. § 1983 against defendant Michael Magan.

3 2. Unreasonable seizure in violation of the Fourth Amendment, brought under 42
4 U.S.C. § 1983 against defendants Michael Magan, and Timothy Renihan.

5 3. Failure to prevent, brought under 42 U.S.C. § 1983 against defendant Timothy
6 Renihan and Magan.

7 4. Negligence claim brought under Washington state law against all defendants.

8 5. False arrest and imprisonment claim brought under Washington state law against
9 all defendants.

10 6. Unlawful search claim brought under Washington state law against all defendants.

11 7. Battery claim brought under Washington state law against all defendants.

12 8. *Respondeat Superior* claim brought under Washington state law for tort liability
13 against defendant City of Seattle.

14 **Defendants assert the Plaintiff's remaining claims for trial are as follows:**

15 1. Judicial deception resulting in an unreasonable search and seizure in violation of the
16 Fourth Amendment, brought under 42 U.S.C. § 1983 against defendant Michael
17 Magan.

18 2. Failure to intervene, brought under 42 U.S.C. § 1983 against defendant Timothy
19 Renihan.

20 3. Negligence claim brought under Washington state law against Defendants Michael
21 Magan and Timothy Renihan.

22 4. False arrest claim brought under Washington state law against Defendant Michael
23 Magan.

5. Battery claim brought under Washington state law against Defendant Michael Magan.

6. *Respondeat Superior* claim

Defendants will pursue affirmative defenses and/or claims:

1. Qualified Immunity

2. State Qualified Immunity

3. Failure to mitigate damages

4. Contributory negligence

RELEVANT FACTS AGREED UPON BY BOTH PARTIES

1. Steven Fisher was arrested on August 19, 2017.

2. On August 21, 2017, Detective Magan interviewed Steven Fisher with another detective. The interview was recorded on video.

3. A Driver and Plate Search for a vehicle registered to Steven Fisher showed a February 22, 2017 address update of “3 119TH DR SE LAKE STEVENS, WA 98258 Lake Stevens, WA”.

4. A search on the Accurint/Lexis database of the address “3 119 DR SE LAKE STEVENS WA 98258” showed Steven Fisher as a resident for the date range “2003 – Aug 2017”.

5. Steven Fisher’s driver’s license showed the address of “3 119TH DR SE LAKE STEVENS, WA 98258”.

6. Detective Magan applied for and obtained a search warrant signed by Judge Dean Lum of King County Superior Court on August 21, 2017 to search the following: (1) Fisher’s residence at 3 119th Dr. SE, Lake Stevens, WA 98258; (2) Fisher’s Mini Cooper stored at the SPD Processing Room; and (3) a brown leather briefcase stored at the SPD Evidence Room.

9. An SPD officer knocked and announced at the front door of 3 119th Avenue Drive SE in Lake Stevens, Washington.

The following are issues of law to be determined by the Court:

6. The jury instructions and verdict form.

(a) Each party shall be limited _____ expert witness(es) on the issues of _____.

(b) The name(s) and address of the expert witness(es) to be used by each party at the trial and the issues upon which each will testify is:

(1) On behalf of plaintiff;

Name and Address	Expected Testimony
Gregory G. Gilbertson 4722 Snow Grass Place NE Olympia, WA 98516-6258	Professor Gilbertson is a retained expert and will testify to the matters set out in his report, including but not limited to acceptable police officer standards and practices for criminal investigations and search warrant service. Will testify.
Matthew Jakupcak, PhD 1240 Jackson Street Missoula, MT 59802	Dr. Jakupcak is a retained expert and will testify to the matters set out in his report, including but not limited to the nature and extent of plaintiff's injury, causation, and damages. Will testify.
Randall Karstetter 30605 164th Ave SE Auburn, WA 98092	Mr. Karstetter is a retained expert and will testify to the matters set out in his report, including but not limited to cell phone forensics, data taken from plaintiff's cell phone, and use of investigative databases. Agree to withdraw per 4/21/21 email.
Sandra Reeves, LMHC 127 E Intercity Ave Everett, WA 98208	Ms. Reeves is expected to testify concerning plaintiff's mental health and condition following the forced entry into her home on August 22, 2017. She may testify to the nature and extent of plaintiff's injury, causation, and damages. Will testify.
Suzanne M. Snyder, MA, LMHC 16300 Mill Creek Blvd, Suite 119 Mill Creek, WA 98012	Ms. Snyder is expected to testify concerning plaintiff's mental health and condition following the forced entry into her home on August 22, 2017. She may testify to the nature and extent of plaintiff's injury, causation, and damages. Possible witness only.
Carly Shore, DNP, ARNP, PMHNP-BC Mindful Therapy Group 320 NE 96th Street, Suite A Seattle, WA 98115	Ms. Shore is expected to testify concerning plaintiff's mental health and condition following the forced entry into her home on August 22, 2017. She may testify to the nature and extent of plaintiff's injury, causation, and damages. Will testify.
Robert Maxwell Senior Claims Adjuster PEMCO Mutual Insurance Company	Mr. Maxwell is expected to testify concerning the physical damage done to plaintiff's house during the forced entry on August 22, 2017, and the costs of repair.

Pending address information 425-712-7736	He may testify to the nature and extent of plaintiff's economic damages. Will testify.
Adam Rowe Bear Creek Construction 4208 80th Street NE Marysville, WA 98270	Mr. Rowe is expected to testify concerning the physical damage done to plaintiff's house during the forced entry on August 22, 2017, and the costs of repair. He may testify to the nature and extent of plaintiff's economic damages. Will testify.
Mary Ong ReMax Northwest Realtors 1909 219th Street SE, #205 Bothell, WA 98021	Ms. Ong is expected to testify concerning the purchase of plaintiff's house in May 2017 from Evolve 119th LLC as well as the nature and extent of plaintiff's economic damages. Possible witness only.
Chris Studioso Mortgage Capital Associates, Inc. 4610 200th Street SW, Suite D Lynnwood, WA 98036	Mr. Studioso is expected to testify concerning the purchase of plaintiff's house in May 2017 from Evolve 119th LLC. Possible witness only.
Brandon Mauer On Point Home Inspections 4404 142nd Dr NE, Lake Stevens, WA 98258 206-486-0340	Mr. Mauer is expected to testify concerning the condition of plaintiff's house prior to the forced entry on August 22, 2017. He may testify to the nature and extent of plaintiff's economic damages. Possible witness only.
Vitaliy Voytovich Pending address information 206-979-0708	Mr. Voytovich is expected to testify concerning the condition of plaintiff's house prior to the forced entry on August 22, 2017. He may testify to the nature and extent of plaintiff's economic damages. Possible witness only.

(2) On behalf of defendant:

Name and Address	Expected Testimony
Allan Muchmore Muchmore Consulting, LLC c/o Seattle City Attorney's Office 701 Fifth Avenue, Suite 2050 Seattle, WA 98104	Defendants will call Allan Muchmore of Muchmore Consulting to testify about his forensic examination of a cellular phone belonging to Nancy Gill and the contents therein. Agree to withdraw per 4/21/21 email.
Dr. Jennifer Piel c/o Seattle City Attorney's Office 701 Fifth Avenue, Suite 2050 Seattle, WA 98104	Defendants will call Dr. Jennifer Piel as an expert witness to testify about the contents of her report.
Dr. Diana Kraemer c/o Seattle City Attorney's Office	Defendants will call Dr. Diana Kraemer as an expert witness to testify about the contents of her report.

701 Fifth Avenue, Suite 2050
Seattle, WA 98104

Plaintiff reserves the right to call any witness listed by Defendants. Defendants reserve the right to call any witness listed by Plaintiff.

V. NON-EXPERT WITNESSES

The names and addresses of witnesses, other than experts, to be used by plaintiff at the time of trial and the general nature of the testimony of each are:

Name and Address	Expected Testimony
Nancy Gill c/o Civil Rights Justice Center, PLLC 2150 North 107th Street, Suite 520 Seattle, WA 98133	Ms. Nancy Gill will testify concerning her purchase of the Lake Stevens property in May 2017, her interaction with defendant officers on August 22, 2017, and the ways in which the incident has impacted her life. She will provide testimony regarding her injuries and her emotional, physical, and economic damages. Will testify.
John Carl PO Box 611, Lake Stevens, WA 98258 425-559-8808	Mr. Carl is a landscaper who was present in the cul-de-sac where plaintiff's residence is located on August 22, 2017. He may testify concerning the events he witnessed at plaintiff's house on that date. Possible witness only.
Ky DeWald 2275 116th Ave NE, Ste. 300 Bellevue, WA 98004	Mr. DeWald is a listing agent for Evolve 119th LLC. He may testify concerning the purchase and sale of plaintiff's Lake Stevens property in 2017. Possible witness only.
Katherine Dovich 4610 200th Street SW, Ste. H Lynnwood, WA 98036	Ms. Dovich may testify concerning plaintiff's physical and mental health conditions and related damages. Will testify.
Bridget Gill 210 Rhodora Heights RD Lake Stevens, WA 98258	Ms. Bridget Gill will testify concerning plaintiff's purchase of the Lake Stevens property in May 2017 and her observations and interactions with plaintiff both before and after the forced entry on August 22, 2017. She will provide testimony regarding plaintiff's physical and emotional damages. Will testify.
Dominic Herrick State Farm Insurance 1210 2nd Street Marysville, WA 98270	Mr. Herrick is plaintiff's former employer. He may testify concerning his communications with plaintiff on and after August 22, 2017. Possible witness only.

1	Darren Hopper Sea Mountain Insurance 19630 76th Ave W Lynnwood, WA 98036	Mr. Hopper may testify concerning plaintiff's economic damages. Possible witness only.
2		
3	MacKenzie Honeycutt 8411 192nd Street SW Edmonds, WA 98026	Ms. Honeycutt may testify concerning her interactions with plaintiff following the forced entry on August 22, 2017. Will testify.
4		
5	Deborah Oswald Pending address information 425-443-0221	Ms. Oswald may testify concerning her communications with plaintiff and the 9-1-1 dispatcher on August 22, 2017. Will testify.
6		
7	Hiram Sachs 3920 Stone Way N, #309 Seattle, WA 98103	Mr. Sachs may testify concerning the bruising he noticed on plaintiff's arms following the forced entry on August 22, 2017. Will testify.
8		
9	James R. Shute Capture Reality LLC 2275 116th Ave NE, Ste. 300 Bellevue, WA 98004	Mr. Shute may testify concerning plaintiff's economic damages. Possible witness only.
10		
11	Melinda Spear 19 119th Dr SE Lake Stevens, WA 98258	Ms. Spear is plaintiff's neighbor. She may testify concerning the events she witnessed at plaintiff's house on August 22, 2017. Possible witness only.
12		
13	Justin Williams 218 Main Street, #549 Kirkland, WA 98033	Mr. Williams owned Evolve 119th LLC and previously owned plaintiff's Lake Stevens property. He may testify concerning the purchase and sale of plaintiff's property in 2017. Possible witness only.
14		
15		
16	Shelley Wingert Wingert Financial Services 16300 Mill Creek Blvd, #122 Mill Creek, WA 98012	Ms. Wingert may testify concerning plaintiff's economic damages. Possible witness only.
17		
18	Officer William Anderson c/o Susan Park, Ghazal Sharifi Seattle City Attorney's Office 701 Fifth Avenue, Suite 2050 Seattle, WA 98104	Non-party adverse witness. He may testify concerning the entry and search of plaintiff's residence on August 22, 2017. Possible witness only.
19		
20	Lt. Eric Barden c/o Susan Park, Ghazal Sharifi Seattle City Attorney's Office 701 Fifth Avenue, Suite 2050 Seattle, WA 98104	Non-party adverse witness. He may testify concerning his relationship with plaintiff and communications with her before and on August 22, 2017. Possible witness only.
21		
22		
23	Det. Shandy Cobane c/o Susan Park, Ghazal Sharifi	Non-party adverse witness. He may testify concerning the interview of Steven Fisher on August 21, 2017.

1	Seattle City Attorney's Office 701 Fifth Avenue, Suite 2050 Seattle, WA 98104	Will testify.
2		
3	Regan Moffat-Marti c/o Susan Park, Ghazal Sharifi Seattle City Attorney's Office 701 Fifth Avenue, Suite 2050 Seattle, WA 98104	Non-party adverse witness. She may testify concerning her research into plaintiff's residence following the search and typical research and residence verification practices for the SPD Robbery Unit. Will testify.
4		
5	Det. Michael Magan c/o Susan Park, Ghazal Sharifi Seattle City Attorney's Office 701 Fifth Avenue, Suite 2050 Seattle, WA 98104	Adverse witness. He may testify concerning the SPD investigation into Steven Fisher's family and residence, the search warrant obtained for plaintiff's residence, the execution of the warrant, and his interactions with plaintiff on August 22, 2017. Will testify.
6		
7		
8	Officer Michael Gonzalez c/o Susan Park, Ghazal Sharifi Seattle City Attorney's Office 701 Fifth Avenue, Suite 2050 Seattle, WA 98104	Adverse witness. He may testify concerning the SPD investigation into Steven Fisher's family and residence, the search warrant obtained for plaintiff's residence, and the execution of the warrant on August 22, 2017. Will testify.
9		
10		
11	Det. Timothy Renihan c/o Susan Park, Ghazal Sharifi Seattle City Attorney's Office 701 Fifth Avenue, Suite 2050 Seattle, WA 98104	Adverse witness. He may testify concerning the SPD investigation into Steven Fisher's family and residence, the search warrant obtained for plaintiff's residence, and the execution of the warrant on August 22, 2017. Will testify.
12		
13	Lynda MacPherson 2722 Colby Avenue, Suite 706 Everett, WA 98201 425-231-5470	Non-party fact witness. She will testify about her diagnosis of plaintiff, her treatment of plaintiff, her planned treatment of plaintiff and her prognosis for her recovery. Excluded
14		
15	Mary Ong ReMax Northwest Realtors 1909 219th Street SE, #205 Bothell, WA 98021	Non-party fact witness. Ms. Ong is expected to testify concerning the purchase of plaintiff's house in May 2017 from Evolve 119th LLC as well as the nature and extent of plaintiff's economic damages. Will testify.
16		
17		
18	Vitaliy Voytovich Pending address information 206-979-0708	Mr. Voytovich is expected to testify concerning the condition of plaintiff's house prior to the forced entry on August 22, 2017. He may testify to the nature and extent of plaintiff's economic damages. Possible witness only.
19		
20	Sgt. Brandon James c/o Susan Park, Ghazal Sharifi Seattle City Attorney's Office 701 Fifth Avenue, Suite 2050 Seattle, WA 98104	30(b)(6) witness. Mr. James is expected to testify on the City of Seattle's policies practices regarding investigations and searches
21		
22		

23 **Defendants' Non-Expert Witnesses:**

Name and Address	Expected Testimony
Officer Michael Gonzalez (c/o Defense Counsel)	Officer Gonzalez will testify about his involvement in the execution of a search warrant on 3 119 th Dr SE, Lake Stevens, WA 98258 on August 22, 2017, as well as other information relevant to Plaintiff's claims and Defendants' defenses..
Detective Michael Magan (c/o Defense Counsel)	Detective Magan will testify about his involvement in the obtaining and execution of a search warrant on 3 119 th Dr SE, Lake Stevens, WA 98258 on August 22, 2017, as well as other information relevant to Plaintiff's claims and Defendants' defenses.
Detective Timothy Renihan (c/o Defense Counsel)	Detective Renihan will testify about his involvement in the obtaining and execution of a search warrant on 3 119 th Dr SE, Lake Stevens, WA 98258 on August 22, 2017, as well as other information relevant to Plaintiff's claims and Defendants' defenses.
Officer Liliya Nesteruk (c/o Defense Counsel)	Officer Nesteruk will testify about her involvement in the execution of a search warrant on 3 119 th Dr SE, Lake Stevens, WA 98258 on August 22, 2017.
Sgt. Brandon James (c/o Defense Counsel)	Sgt. James will testify about SPD's practices and training concerning search warrants.
Dominic Herrick State Farm Insurance 1210 2nd Street Marysville, WA 98270	Mr. Herrick, a former employer, will testify about Plaintiff's claimed economic damages.
Lt. Eric Barden (c/o Defense Counsel)	Lt. Barden may testify about Nancy Gill contacting him regarding the August 22, 2017 execution of a search warrant on 3 119 th Dr. SE, Lake Stevens, WA 98248 as well as his other contacts with Nancy Gill.
Det. Don Waters (c/o Defense Counsel)	Det. Don Waters may testify about his involvement in the execution of a search warrant on 3 119 th Dr. SE, Lake Stevens, WA 98258 on August 22, 2017.
Lt. Nick Bauer (c/o Defense Counsel)	Lt. Bauer may testify about his involvement in the execution of a search warrant on 3 119 th Dr. SE, Lake Stevens, WA 98258 on August 22, 2017.
Sgt. Kevin Aratani (c/o Defense Counsel)	Sgt. Aratani may testify about his involvement in the execution of a search warrant on 3 119 th Dr. SE, Lake Stevens, WA 98258 on August 22, 2017.
Deputy Harkins Snohomish County Sheriff's Office 3000 Rockefeller Ave. Everett, WA 98201	Deputy Harkins may testify about involvement in the execution of a search warrant on 3 119 th Dr. SE, Lake Stevens, WA 98258 on August 22, 2017.

Mike Mansur Snohomish County Sheriff's Office 3000 Rockefeller Ave. Everett, WA 98201	Mike Mansur may testify about his involvement in the execution of a search warrant on 3 119 th Dr. SE, Lake Stevens, WA 98258 on August 22, 2017.
Craig Gill 360 W. Ewing St., Unit A-9 Seattle, WA 98199	Mr. Gill may testify about Plaintiff's claimed economic damages.

VI. EXHIBITS

Plaintiff will offer the following exhibits at the time of trial:

Plaintiff's Exhibits					
Ex No.	Description	Authenticity	Admissibility	Objection (Authenticity Stipulated, Admissibility Disputed)	Admitted
1	SPD Call 17-273821 – August 21, 2017 (SEA001041 – SEA001043)	Stipulated	Stipulated		
2	Steven Fisher Driver's License (SEA001274 – SEA001275)	Stipulated	Stipulated		
3	Accurint Search Report (SEA001267)	Stipulated	Stipulated		
4	Copy of Affidavit for Search Warrant for 3 119th Dr SE (SEA000525 – SEA000535)	Stipulated	Disputed	401, 402, 403	
5	Operations Plan for SPD #2017-30670 (SEA000731-SEA000747)	Stipulated	Disputed	401, 402	
6	E-mail included in search warrant:	Stipulated	Stipulated		

1		"Re: Search Warrant" – Magan (SEA000820)				
2						
3	7	SPD Case Investigation Report – Magan (SEA000913 – SEA000976)	Stipulated	Disputed	401, 402, 801	
4						
5	8	SPD Case Investigation Report – Renihan (SEA001435 – SEA001491)	Stipulated	Disputed	401, 402, 801	
6						
7						
8	9	Redfin Listing of 3 119th Dr. SE, Lake Stevens (SEA000860)	Stipulated	Disputed	401, 402	
9						
10	10	Steven Fisher Interview (SEA002679)	Stipulated	Disputed	401, 402	
11						
12	11	Steven Fisher Interview (SEA002680)	Stipulated	Disputed	401, 402	
13						
14	12	Fisher Conditions of Release form (NG001411-NG001426)	Not Stipulated *Bates stamped version required. Consecutive bates no required	Disputed	401, 402	
15						
16						
17						
18	13	Original Booking Sheet (NG001427)	Stipulated	Disputed	401, 402, 801	
19						
20	14	8-25 Superform for Fisher's Re-Arrest by Magan (NG001429)	Stipulated	Disputed	401, 402, 801	
21						
22	15	8-21 SPD Superform (SEA001007)	Stipulated	Disputed	401, 402, 801	
23						
	16	8-19 SPD Superform (SEA001423)	Stipulated	Disputed	401, 402, 801	

1	17	VINE Custody Status Report for Steven Fisher (SEA000910)	Stipulated	Disputed	401,402	
2						
3	18	Photos from SPD Fisher Vehicle Search (SEA001003–	Stipulated	Disputed	401,402	
4						
5	19	Photos from SPD Fisher Vehicle Search SEA001004	Stipulated	Stipulated		
6						
7	20	Photos from SPD Fisher Vehicle Search sea001005	Stipulated	Disputed	401,402	
8						
9	21	Photos from SPD Fisher Vehicle SEA001299	Stipulated	Stipulated		
10						
11	22	Photos from SPD Fisher Vehicle SEA001315	Stipulated	Disputed	401,402	
12						
13	23	King County Call Detail Report – Fisher (SEA003294 – SEA003327)	Stipulated	Disputed	401,402	
14						
15	24	SPD Statement Form – Fisher and Zemak Call (SEA003328 – SEA003339)	Stipulated	Disputed	401,402,801	
16						
17	25	SPD Statement Form – Fisher and Zemak Call (SEA003350 – SEA003360)	Stipulated	Disputed	401,402,801	
18						
19	26	SPD Statement Form – Fisher and Zemak Call (SEA003359 – SEA003368)	Stipulated	Disputed	401,402,801	
20						
21						
22	27	Statutory Warranty Deed for 3 119th Dr. SE,	Stipulated	Stipulated		
23						

1		Lake Stevens (NG000119)				
2	28	3 119th Dr. SE Deed History (Dkt. 65-1 at 4) 25*Clean copy required without highlights*	Stipulated*	Disputed	401,402,403	
3						
4						
5	29	On Point Home Inspection Report – May 2017	Stipulated	Stipulated		
6						
7	30	Inspection Response for Form 35 – May 2017	Disputed	Disputed	MIL	
8						
9	31	Gill USPS Change of Address Confirmation Letter – Jun. 2017 (Dkt. 65-1 at 6)	Stipulated	Disputed	401,402	
10						
11	32	Photo of Gill USPS Forwarded Mail – Jul. 2017 (Dkt. 65-1 at 8)	Stipulated	Disputed	MIL	
12						
13	33	Photo of car outside 3 119th Dr. SE (NG000006)	Stipulated	Disputed	401,402	
14						
15	34	Texts between Nancy Gill and Bridget Gill (NG000013, Dkt. 65-1 at 38) – Replaced with full images Bates stamped version required	Stipulated*	Disputed	401,402	
16						
17						
18						
19	35	Texts between Nancy Gill and Bridget Gill (– NG000014; Dkt. 65-1 at 39) *Bates stamped version required*	Stipulated*	Disputed	401,402	
20						
21						
22						

1	36	Texts with Bridget - Extracted Phone Data (Dkt. 65-1 at 42-44)	Not Stipulated	Disputed	401,402	
2						
3	37	Texts between Nancy Gill and Deborah Oswald (Dkt. 65-1 at 23- 36)	Not Stipulated	Disputed	401,402	
4						
5						
6	38	Texts between Bridget Gill and MacKenzie Honeycut (Dkt. 66-1 at 12)	Not Stipulated	Disputed	401,402	
7						
8	39	Texts between Bridget Gill and MacKenzie Honeycut (NG000019)	Not Stipulated	Disputed	MIL	
9						
10						
11	40	Call for Service Detail Report – CFS 811 (NG000120 – NG000122) *Clean copy required without highlights*	Stipulated*	Disputed	801	
12						
13						
14						
15	41	SPD CAD Call Hardcopy (SEA000285)	Stipulated	Stipulated		
16						
17	42	E-mail: “Re: 3 119 DR SE” – Moffat- Marti (SEA002927)	Stipulated	Disputed	MIL	
18						
19	43	E-mail: “Re: 3 119 DR SE” – Moffat- Marti (SEA002922)	Stipulated	Disputed	MIL	
20						
21	44	Moffat-Marti created attachment (SEA002919 – SEA002921)	Stipulated	Disputed	MIL	
22						
23	45	FinCEN BSAR Transcript	Stipulated	Disputed	401,402	

1		(SEA001432 – SEA001434)				
2	46	United States v. Steven Fisher No. MJ17-452; Dkt. 11 Motion to Review Order of Release *Clean copy required without highlights*	Stipulated*	Disputed	401,402	
3						
4						
5						
6						
7	47	Pictures of Damage to 3 119 th Dr. SE (SEA000562 – SEA000565)	Stipulated	Stipulated		
8						
9	48	Photos of Gill's House (NG000812 – NG000837)	Stipulated	Stipulated		
10						
11	49	Photo of Back Gate Lock (Dkt. 66-1 at 14)	Disputed	Disputed	MIL	
12	50	Photos of floor damage	Disputed	Disputed	MIL	
13						
14	51	PEMCO Insurance Photo Sheet – Nov. 2017	Stipulated	Stipulated		
15	52	Bear Creek Construction Estimate – Dec. 2017	Stipulated	Stipulated		
16						
17	53	Eastside Insulation Estimate – Jan. 2018	Stipulated	Stipulated		
18						
19	54	Gregory Gilbertson CV	Disputed	Disputed	401,402,801	
20	55	Matthew Jakupcak CV	Disputed	Disputed	401,402,801	
21	56	Randall Karstetter CV	Disputed	Disputed	401,402,801	
22	57	Photo of Bathroom Sink and Door	Disputed	Disputed	MIL	
23						

1	58	Photo of Bathroom Entrance (NG000008)	Stipulated	Stipulate		
2						
3	59	Photos of Stairs and Bathroom (NG001438—NG001439)	Stipulated	Stipulate		
4						
5	60	Listing Photo of House Front	Stipulated	Stipulate		
6	61	Listing Photo of Entry Staircase	Stipulated	Stipulate		
7	62	Listing Photo of Living Room and Dining Room	Stipulated	Stipulate		
8						
9	63	Listing Photo of Kitchen Eating Area and Family Room	Stipulated	Stipulate		
10						
11	64	Listing Photo of Dining Room and Living Room	Stipulated	Stipulated		
12	65	Listing Photo of Family Room, Kitchen and Eating Area	Stipulated	Stipulated		
13						
14	66	Listing Photo of Kitchen	Stipulated	Stipulated		
15	67	Public Storage Unit Card from SEA002967 in	Stipulated	Disputed	401,402,403,801	
16						
17	68	Signed Affidavit for Search Warrant for Storage Unit (SEA000764)	Stipulated	Disputed	401,402,403,801	
18						
19	69	Search Warrant for 3 119th Dr SE (SEA000521-SEA000523)	Disputed (Incomplete document)	Disputed	106,403,901	
20						

Defendant's Exhibits

Ex No.	Description	Authenticity	Admissibility	Objection (Authenticity Stipulated, Admissibility Disputed)	Admitted
101	Text messages extracted from Nancy Gill's phone produced as Appendix D to Allan Muchmore's August 21, 2020 Expert Report	Stipulated	Disputed by Plaintiff		
102	Steven Fisher's Driver's License SEA001097 – SEA001098	Stipulated	Stipulated		
103	Driver and Plate Search (DAPS) SEA001045	Stipulated	Stipulated		
104	Email from USPIS Inspector SEA002911	Disputed	Disputed	401, 402, 403 and 801	
105	DOL Search SEA001272	Stipulated	Stipulated		
106	Search Warrant for residence SEA000521 – SEA000535	Stipulated	Stipulated		
107	Photos of the House SEA002681 - 2688	Stipulated	Stipulated		
108	Receipt from Frank Lumber & Hardware dated Oct. 11, 2017	Disputed	Disputed not produced during discovery	401, 402 and 801	
109	Nancy Gill v. Craig Gill No. 16-3-01515-31 Dkt. 17, 2015-11-15 Declaration of Nancy Gill	Stipulated	Disputed Not produced during discovery	401,402,403, 404 801	

1					
2	110	Nancy Gill v. Craig Gill No. 16-3-01515- 31 Dkt. 24 2016-11-22 REPLY Declaration of Nancy Gill	Stipulated	Disputed not produced during discovery	401, 402, 403, 404, 801
3					
4					
5					
6	111	Nancy Gill v. Craig Gill No. 16-3-01515-31 Dkt. 40 2017-02-21 REPLY Declaration of Nancy Gill	Stipulated	Disputed not produced in discovery	401,402,403,404, 801
7					
8					
9	112	Nancy Gill v. Craig Gill No. 16-3-01515-31 Dkt. 15 2016-11-15 Financial Declaration of Nancy Gill	Stipulated	Disputed not produced in discovery	401,402,403,404, 801
10					
11					
12					
13	113	Photos produced by Plaintiff NG000813; NG 001439	Stipulated	Disputed	401,402,403,404, 801
14					
15	114	GO Report SEA000001- SEA000186	Stipulated	Disputed	401,402,403,404, 801
16					
17	115	GO Report SEA000211- SEA000260	Stipulated	Disputed	401,402,403,404, 801
18					
19	116	GO Report SEA000261- SEA000284	Stipulated	Disputed	401,402,403,404, 801
20					
21	117	GO Report SEA000294- SEA00521	Stipulated	Disputed	401,402,403,404, 801
22	118	Employee Earnings Record – from Dominic Herrick	Stipulated	Disputed	401,402,403,404, 801
23					

1	119	May 1, 2013 Swedish Medical Center, Brian McCallie, M.D. notes (000201)	Stipulated	Disputed not produced in discovery	401,402,403,404, 801	
2						
3	120	May 14, 2013 Center for Diagnostic Imaging, N. Jarrod Durkee, M.D. notes (000022)	Stipulated	Disputed	401,402,403,404, 801	
4						
5	121	May 14, 2013 Center for Diagnostic Imaging, N. Jarrod Durkee, M.D. notes (000033)	Stipulated	Disputed not produced in discovery	401,402,403,404, 801	
6						
7	122	Nov. 4, 2014 Swedish Medical Center, Dan Downey, M.D. notes (000168-000170)	Stipulated	Disputed not produced in discovery	401,402,403,404, 801	
8						
9	123	Nov. 10, 2016 Swedish Medical Center, Elizabeth O'Kane, M.D. notes (000173)	Stipulated	Disputed not produced in discovery	401,402,403,404, 801	
10						
11	124	Nov. 23, 2016 Swedish Medical Center, Darren Wardle, M.D. notes 000056-000057)	Stipulated	Disputed not produced in discovery	401,402,403,404, 801	
12						
13	125	Dec. 2, 2016 Swedish Medical Center, Darren Wardle, M.D. notes (000062-000063)	Stipulated	Disputed not produced in discovery	401,402,403,404, 801	
14						
15	126	Dec. 19, 2016 Swedish Medical Center, Thomas Paul Seib, M.D. notes (000037-000038)	Stipulated	Disputed not produced in discovery	401,402,403,404, 801	
16						
17	127	Dec. 30, 2016 Center for Diagnostic Imaging, Jeffrey Pearce, M.D. notes	Stipulated	Disputed not produced in discovery	401,402,403,404, 801	
18						
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22						
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1		(000023)				
2	128	Feb. 22, 2017 Neurological Associates of Washington, Jeffrey Pearce notes (000013-000014)	Stipulated	Disputed not produced in discovery	401,402,403,404, 801	
3						
4						
5	129	Mar. 23, 2017 Jeffrey Pearce, M.D. notes (000019-000020)	Stipulated	Disputed not produced in discovery	401,402,403,404, 801	
6						
7	130	Aug. 23, 2017 Center for Diagnostic Imaging, Jeffrey Pearce, M.D. notes (000023)	Stipulated	Disputed not produced in discovery	401,402,403,404, 801	
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9						
10	131	Nov. 25, 2017 UW Medical Center, Sudhakar Pipavath, M.D. notes (000217-000215)	Stipulated	Disputed not produced in discovery	401,402,403,404, 801	
11						
12						
13	132	Nov. 25, 2017 UWNC Shoreline, Kaity Pak, A.R.N.P. notes (000197-000199)	Stipulated	Disputed not produced in discovery	401,402,403,404, 801	
14						
15	133	Nov. 25, 2017 Kaity Pak, ARNP visit notes (000217-000215, 000197-000199)	Stipulated	Disputed not produced in discovery	401,402,403,404, 801	
16						
17						
18	134	Dec. 30, 2017 Deanna Martinson (000168-000172)	Stipulated	Disputed not produced in discovery	401,402,403,404, 801	
19						
20	135	July 8, 2019 Kathleen Volkman (000088-000091)	Stipulated	Disputed not produced in discovery	401,402,403,404, 801	
21						
22	136	Nov. 19, 2019 Victoria Krause, PA- C note, cosigned by Viral Patel (000053-000055)	Stipulated	Disputed not produced in discovery	401,402,403,404, 801	
23						

1	137	Mental Health Evaluation and Psychological Testing Report Prepared by Matthew Jakupcak, PhD	Stipulated	Stipulated		
2						
3						
4						
5	138	Amended Complaint for Damages	Stipulated	Disputed	401,402,403,404, 801	
6	139	Plaintiff's Responses to the First Interrogatories and Requests for Production	Stipulated	Disputed	401,402,403,404, 801	
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8						
9	140	Plaintiff's Supplemental Responses to the First Interrogatories and Requests for Production	Stipulated	Disputed	401,402,403,404, 801	
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12	141	Plaintiff's Responses to the Second Set of Requests for Production and Documents	Stipulated	Disputed	401,402,403,404, 801	
13						
14						
15	142	Plaintiff's Responses to Third Set of Interrogatories and Requests for Production	Stipulated	Disputed	401,402,403,404, 801	
16						
17						
18	143	Plaintiff's Responses to Fourth Set of Interrogatories and Requests for Production	Stipulated	Disputed	401,402,403,404, 801	
19						
20	144	IMG_5514 Attic	Stipulated	Stipulated		
21						
22	145	Diana Kramer, MD CV				
23	146	2020-01-29 Medical Records - Swedish	Stipulated	Disputed	401,402,403,404, 801	

1	147	2020-01-07 Medical Records - CDI	Stipulated	Disputed	401,402,403,404, 801	
2	148	2020-01-23 UW Medical Records	Stipulated	Disputed	401,402,403,404, 801	
3						
4	149	2020-01-23 Medical Records (Neurological Associates of Washington)	Stipulated	Disputed	401,402,403,404, 801	
5						
6	150	2020-09-24 Medical Records	Stipulated	Disputed	401,402,403,404, 801	
7						
8	151	2020-10-02 Evergreen Health Medical Records	Stipulated	Disputed	401,402,403,404, 801	
9						
10	152	2020-06-16 Medical Records (Sandra Reeves)	Stipulated	Stipulated	401,402,403,404, 801	
11	153	Medical Records - Mindful Therapy Group	Stipulated	Stipulated	401,402,403,404, 801	
12						
13	154	Medical Records Addtl - Mindful Therapy Group	Stipulated	Stipulated	401,402,403,404, 801	
14						
15	155	Medical Records - Suzanne Snyder	Stipulated	Stipulated	401,402,403,404, 801	
16	156	Photos of house NG000833 - NG000836	Stipulated	Stipulated		
17	157	NG000701 Text w Vitaliy w Screen pic	Stipulated	Stipulated		
18						
19	158	NG000702 Text w Vitaliy w Door Receipt	Stipulated	Disputed	401,402,403,404, 801	
20	159	NG000703	Stipulated	Stipulated		
21	160	Jennifer Piel, MD CV				
22	161	Allen Muchmore CV				
23						

162	173 - 2020-09-11 Medical Premier Records (Piel Excerpts)				
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VII. DEPOSITION TRANSCRIPTS

Plaintiff will offer excerpts from the following deposition transcripts at trial:

1. Deposition of Michael Magan – plaintiff will also offer clip segments from the video recording of this deposition.
2. Deposition of Timothy Renihan
3. Deposition of Michael Gonzalez - plaintiff will also offer clip segments from the video recording of this deposition.
4. Deposition of Shandy Cobane
5. Deposition of Regan Moffat-Marti
6. 30(b)(6) Deposition of Brandon James

Defendants will offer excerpts from the following deposition transcript(s) at trial:

1. Deposition of Nancy Gill – Defendants will also offer clip segments from the video recording of this deposition.

Pursuant to Local Civil Rule 32(e), plaintiff and defendants have provided one another with copies of the above-designated deposition transcripts with relevant portions highlighted.

DATED this 16th day of March, 2021 at Seattle, Washington.

ACTION BY THE COURT

This case is scheduled for trial before a jury on April 26, 2021, at 9:00AM. This order has been approved by the parties as evidenced by the signatures of their counsel. This order shall

control the subsequent course of the action unless modified by a subsequent order. This order shall not be amended except by order of the court pursuant to agreement of the parties or to prevent manifest injustice.

DATED this 23rd day of April, 2021.



Marsha J. Pechman
United States Senior District Judge

FORM APPROVED

CIVIL RIGHTS JUSTICE CENTER, PLLC

s/ Darryl Parker

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